

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

BENJAMIN SHANE FOSTER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:08cv567-TMH
)	(WO)
CPT. A. J. HARDY, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION and ORDER

On September 15, 2008, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 9). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that this case be and is hereby DISMISSED without prejudice for the plaintiff's abandonment of his claims, his failure to properly prosecute this action and his failure to comply with the orders of this court.

Done this the 23rd day of October 2008.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE